SIGNED.

Dated: October 29, 2009



Date

JAMES M. MARLAR
Chief Bankruptcy Judge

10	In	r

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF ARIZONA

Chapter 11
No. 4-09-bk-01655-JMM (Jointly Administered)
MEMORANDUM DECISION
RE: DEBTORS' COUNSEL'S
FEES AND COSTS (DN 444)

The Debtor filed for voluntary chapter 11 relief on January 30, 2009. On February 18, 2009, the Debtors' choice of counsel, Lane & Nach, was approved (DN 75).

On February 27, 2009, current Debtors' counsel, Gibson, Nakamura & Green, was substituted in for Lane & Nach, as general counsel to the Debtors. (The order was docketed on March 2, 2009, DN 149.)

Prior to February 27, 2009, current counsel seeks compensation for work performed, on the Debtors' behalf, while the Debtors had other general counsel. That work is not compensable by the estate, because current counsel had not been approved by the court to perform work on behalf of the Debtors' estates. This court will therefore disallow that portion of the requested fees in the sum of \$5,228.50. However, the court will allow pre-petition costs of \$107.34 to be recouped.

The balance of approved, current counsel's fees and costs will be allowed. The final application for payment of fees and costs will therefore be approved in part.
The final application for payment of fees and costs will therefore be approved in part.
Counsel may draw from the existing retainer of \$5,000, and will have an administrative claim for
the allowed balance.
Counsel for Debtors shall lodge an appropriate order.
DATED AND SIGNED ABOVE.
COPIES to be sent by the Bankruptcy Notification Center ("BNC") to the following:
Scott D. Gibson, Attorneys for Debtors
Thomas J. Salerno, Attorneys for Victory Park
Rob Charles, Attorney for Trustee
Frank T. Hundley, Trustee
Office of the U.S. Trustee